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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

Single Bench : Hon'ble Shri S.R. Nayak, C.J.

Writ Petition No.3616 of 1999

PETITIONER Nitesh Kumar Dang, Son of Vijay Kumar Dang, Aged about 25 years, Resident of 28, Sundar Nagar, Bhilai, Tahsil & District - Durg (M.P.)

versus

RESPONDENTS

1. State of Madhya Pradesh, Through : The Secretary, Forest Department, Vallabh Bhawan, Bhopal (M.P.)
2. Assistant Conservator of Forest /Prescribed Authority, Aurhorised Officer & Up Van Mandladhikari, Forest Department, Durg (M.P.)
3. Conservator of Forest, Circle - Durg, Forest Department, District DURG (M.P.)

Present : Mr. V.R.Tiwari, learned counsel for the petitioner.
Mr. Utkarsh Verma, learned Deputy Government Advocate for the respondents/State.

ORAL ORDER
(Passed on 17th February, 2006)

This writ petition arises out of a confiscation proceeding initiated by the second respondent - the Assistant Conservator of Forest, who is the prescribed authority under the Indian Forest Act, 1927 (for short 'the Act'). The proceeding was initiated against the petitioner herein on the ground that the motor vehicle owned by him was involved in transportation of teak wood. The vehicle was seized on 10-12-1997. The second respondent, having conducted an enquiry, passed the final order on 25-9-1998 directing confiscation of the motor vehicle and the goods. Being aggrieved by that order, the petitioner preferred an appeal to the

third respondent - appellate authority. The third respondent dismissed the appeal by his order dated 2-1-1999. Being aggrieved by the order of the third respondent, the petitioner preferred revision to the Court of IInd Additional Sessions Judge, Durg in Criminal Revision No.56/1999. That revision was also dismissed on 16-7-1999. In the circumstance, the petitioner has preferred this writ petition under Article 226 of the Constitution questioning the correctness of the orders made by the second respondent, third respondent as well as the learned IInd Additional Sessions Judge, Durg.

(2) I heard the learned counsel for the parties. It was contended that the second respondent did not conduct enquiry as contemplated under the Act and Rules framed thereunder. It was specifically contended that before all the authorities below as well as the learned IInd Additional Sessions Judge, Durg it was contended that the seizure memo does not bear the signature of the officer who seized the vehicle nor the signatures of the witnesses to the seizure memo. This specific point urged on behalf of the petitioner was dealt with by the learned IInd Additional Sessions Judge, Durg in paras 6 and 14 of the order. The learned IInd Additional Sessions Judge, Durg, having regard to the evidence of the witnesses, who were witnesses to the seizure memo, according to me, rightly concluded that the point urged is technical in nature.

(3) It was contended by the learned counsel for the petitioner that even the requirement of sub-Section (2) of Section 52 of the Act was not complied with while seizing the vehicle and the goods. It is true that in terms of sub-Section (2) of Section 52 of the Act, every officer, seizing any

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property under sub-Section (2) of Section 52 of the Act, shall place on such property a mark indicating that the same has been so seized. As could be seen from para 3 of the order, this contention was also rejected by the learned IInd Additional Sessions Judge, Durg for the same reason set out by him in paras 6 and 14. Be that as it may, it is not that every irregularity or slight violation of principles of natural justice should be a justification for this Court under Article 226 of the Constitution to step-in and annul an order or judgment made by the statutory authorities. I do not find any failure of justice. The writ petition is devoid of merit and is accordingly dismissed. No costs.

Sd/-
Chief Justice

Gopal